



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

JULY 29, 2009

#### CALL TO ORDER:

Jaime Limon, Senior Planner, called the meeting to order at 9:03 a.m.

#### STAFF PRESENT:

Jaime Limon, Senior Planner  
Danny Kato, Senior Planner  
Roxanne Milazzo, Associate Planner  
Gloria Shafer, Staff Hearing Officer Secretary

#### I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- B. Announcements and appeals.  
Mr. Limon announced that item C, 2050 Garden Street and 314 East Padre Street have been continued to August 12 to allow re-noticing.
- C. Comments from members of the public pertaining to items not on this agenda.  
None.

#### II. PROJECTS:

##### ACTUAL TIME: 9:04 A.M.

- A. APPLICATION OF MARK MORANDO, AGENT FOR ANGELA HAMILTON, 920 N. ALISOS STREET, APN 029-316-013, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00298)

The 2,102 square foot project site is currently developed with a single family residence. The proposed project involves a request to legalize "as-built" construction. The discretionary applications required for this project are Modifications to allow the "as-built" 68 square-foot bedroom addition, a laundry

cabinet, and water heater enclosure to be located within the interior setback and open yard areas and parking within the front and interior setbacks (SBMC§28.18.060 & 28.90.001.D).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: Mark Morando, Agent; Angela Hamilton, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Mr. Limon announced that he read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:17 a.m.

A letter in support of the project from Hilary Brace and Rollin Fortier was acknowledged.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 9:18 a.m.

Mr. Limon questioned whether the existing parking space is functional; whether the owner would be more likely to utilize the parking area if the parking depth were increased and asked about current and proposed washer/dryer locations.

Ms. Hamilton stated that she rarely uses the off-street parking space, acknowledged regularly parking on the street, and stated that she would prefer to not lose yard space to increase the parking area. Mr. Limon explained that the fence is required to be moved for ease of parking egress and meet minimum parking depth dimensions. Mr. Morando explained that the washer/dryer are currently located in a cabinet at the rear of the deck and are proposed to be relocated on grade out of the setback.

**ACTION:**

**Assigned Resolution No. 063-09**

Approved the subject application making the findings that the modifications are consistent with the purposes and intent of the zoning ordinance and are necessary to secure appropriate improvements on the lot. The modifications allow for relatively minor upgrades to the existing single family residence, located on an extremely undersized lot, without intensification of use or impacts to the immediate neighbors.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:26 A.M.**

**B. APPLICATION OF DAVID VANHOY, AGENT FOR DOMENICO & CELIA LALA, 1323 RIALTO LANE, APN 049-242-032, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00195)**

The 15,031 square foot project site is currently developed with a single family residence, attached two-car garage, swimming pool and detached accessory building. The proposed project involves a second story addition for the detached accessory building. The discretionary applications required for this project are Modifications to permit accessory space in excess of 500 square feet on the lot and to recognize the location of the existing accessory building, and alterations thereto, within the required interior setback (SBMC §28.15.060 & 28.87.160).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: David Van Hoy, Architect; Domenico and Celia LaLa, Owners.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation. Ms. Milazzo clarified that staff felt the amenity to be used with the pool to provide a powder room configuration with shade could be provided without constituting floor area and recommend that the design to be modified to provide square footage under the 500 square feet including the work shop.

Mr. Limon announced that he read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:38 a.m.

A letter in opposition from Paula Westbury was acknowledged.

The public hearing was closed at 9:38 a.m.

Mr. Limon expressed his concerns with the cabaña size and lower level encroachment and suggested redesigning to 500 square feet allowed by Zoning Code. Mr. Van Hoy proposed removing the glass wall panels from the cabaña level thereby eliminating the additional square footage. It was agreed that the cabaña would not be totally enclosed but a glass guardrail was an acceptable alternative.

**ACTION:**

**Assigned Resolution No. 064-09**

Approved the subject application making the following findings and determinations:

- I. The Modification for the existing accessory building's location in the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Legalizing the existing

accessory structure encroachment will allow for its continued use in an area that is tucked away from view and has no impact on adjacent neighbors.

- II. Said approval is subject to the condition that the cabaña is redesigned to not be completely enclosed and for guardrail installation where required. The cabaña shall not be enclosed with exterior walls in the future without prior City approvals.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

C. **APPLICATION OF HARRISON DESIGN ASSOCIATES, AGENT FOR MELANIE ELLISON, 2050 GARDEN STREET & 314 EAST PADRE STREET, APN 025-331-001 & 025-331-002, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00289)**

The subject application involves two adjoining properties, totaling 15,828 square feet, which will be combined through a voluntary lot merger and have frontage on both Garden and E. Padre Streets. The property at 2050 Garden Street is currently developed with a single-family residence and detached two-car garage. The property at 314 E. Padre Street is currently developed with a single-family residence. The proposed project involves restoration of the residence at 2050 Garden Street and demolition of all other structures on the two lots, the construction of a detached two-car garage with attached accessory room, a detached accessory building, and various garden amenities. The discretionary applications required for this project are Modifications to permit alterations to the front porch within both front setbacks, to allow a portion of the detached accessory structure and garden amenities to be located within the required front and interior setbacks, and to allow walls to exceed the 3 ½' maximum height when located within the first 20' of the front lot line along the driveway (SBMC §28.15.060 & 28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

**Postponed until August 12, 2009 to allow renoticing.**

**\*\*\* The meeting recessed from 9:59 until 10:00 a.m. \*\*\***

**ACTUAL TIME: 10:00 A.M.**

D. **APPLICATION OF SEFTON GRAHAM, APPLICANT FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005, C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)**

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would remain as a residential unit.

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Present: Sefton J. Graham, Applicant.

Mr. Kato, Project Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:24 a.m.

Pam Johnston, opposed: Transition House, opposed: Concern about location near high school and junior high school. Project creates an at risk environment. No issue with medicinal use of cannabis, but prefers locating dispensary in same facility as a medical building for security.

Kathleen Baushke, Executive Director, Transition House, opposed to the proposed dispensary location; concerned about the dispensary proximity to shelter residents. No issue dispensing of cannabis, but would prefer dispensing in a medical facility.

Amelia Botello, Transition House, opposed: prefers having dispensary in a medical facility. Concerned that product will not be for medical clients.

Barbara Allen, Chair Santa Barbara Housing Authority Commission, opposed: concerned about individuals congregating at dispensaries; suggested putting the project on hold until City Council makes a determination.

Skip Syzmanski, Santa Barbara Housing Authority: stated concerns about facility location and the vulnerable population in the area.

Alias Espinoza, spoke in support of the project.

Two letters in opposition from Paula Westbury and Rob Fredricks were acknowledged.

Public hearing was closed at 10:39 a.m.

Mr. Limon announced that he read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Mr. Limon questioned the number of clients expected in order for the facility to be profitable; the number of employees expected to work per shift; how clients are expected to be made aware of the facility; whether signage is proposed; proposed operational hours; and requested staff to report on the status of other facilities.

Mr. Graham responded that the number clients may vary depending on the number of other facilities and the number of clients residing in the area; because the facility is non-profit, the only revenue required is for payment of rent, utilities and payroll. Mr. Graham stated that three employees, one security guard, and possibly three volunteers are expected. Mr. Graham explained that clients are expected to become aware of the facility by physician referral or via internet, not by advertisement. Mr. Graham clarified that operational hours are proposed to be 10:00 a.m. until 7:00 p.m.

Mr. Kato reported one open legal facility which has gone through the city's approval process; one approved facility, which has been appealed and therefore not open; four non conforming facilities which existed prior to the adoption of the Ordinance; and three pending applications. It is understood that the Santa Barbara Police Department will begin taking enforcement action against illegal facilities as they become known.

Mr. Limon informed the applicant that there may be a future re-evaluation of this type of facility location by the City Council Ordinance Committee which might impact applications under consideration or approved. Mr. Graham responded that as written, the Zoning Ordinance currently does not permit a medical cannabis dispensary to be located in a medical facility. Mr. Graham explained that there are no medical facilities available that meet the zoning ordinance requirements.

Mr. Limon indicated he understood the public concerns and fears expressed relative to the compatibility of this type of land use for this location which has some residences in close proximity. He stated it was his understanding that the dispensary permit may be revoked if violations arise and/or operational problems develop. This applicant proposes a location permitted by the Zoning Ordinance and a proposed dispensary that meets all the operational criteria as required by current ordinance. There are no neighborhood compatibility approval findings necessary and no discretion to deny this application on that basis. Conditions will be added that a licensed security guard be required for facility, landscape plan approved by the ABR and that there be no advertising signage proposed for the facility.



**ACTION:**

**Assigned Resolution No. 065-09**

1. Approved the project making the findings contained in Section VII of the Staff Report dated June 22, 2009, and subject to the Conditions of Approval contained in Exhibit A." as revised at the hearing, with the following additional conditions:
  10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.
  11. There shall be no exterior signage to advertise the facility.
  12. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be a "Licensed" security person. The Licensed security person's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**III. ADJOURNMENT**

Mr. Limon adjourned the meeting at 10:58 a.m.

Submitted by,

  
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Gloria Shafer, Staff Hearing Officer Secretary

